

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

No. 7:21-CV-00106-M

WAYNE NUTT,

Plaintiff,

v.

ANDREW L. RITTER, in his official
capacity as Executive Director of the North
Carolina Board of Examiners for Engineers
and Surveyors; and JOHN M. LOGSDON,
JONATHAN S. CARE, DENNIS K.
HOYLE, RICHARD M. BENTON, CARL
M. ELLINGTON, JR., CEDRIC D.
FAIRBANKS, BRENDA L. MOORE,
CAROL SALLOUM, and ANDREW G.
ZOUTWELLE, in their official capacities as
members of the North Carolina Board of
Examiners for Engineers and Surveyors,

Defendants.

**PLAINTIFF’S NOTICE
OF WITHDRAWAL OF
MOTION FOR
PRELIMINARY
INJUNCTION AS MOOT**

On June 9, 2021, Plaintiff filed his Motion for Preliminary Injunction, seeking an order prohibiting Defendants from enforcing or threatening to enforce North Carolina General Statute section 89C-23 against him for truthfully testifying about his background and his opinions about engineering in the case of *Autry v. Bill Clark Homes, LLC*, No. 19-CVS-4520 (New Hanover Super. Ct.). ECF No. 4. When Plaintiff filed the motion, the *Autry* trial was scheduled for July 19, 2021, but it was subsequently continued until February 28, 2022. Joint Mot. To Modify Sch. On Mot. For Prelim. Inj. at 1, ECF No. 23.

On November 15, 2021, the parties in the *Autry* litigation received notice that the trial court had granted the *Autry* defendants’ motion for summary judgment. Because Plaintiff’s

Motion for Preliminary Injunction sought an order specifically limited to testimony at the upcoming *Autry* trial, which has now been taken off the New Hanover Superior Court's trial calendar, Plaintiff believes his Motion for Preliminary Injunction, ECF No. 4, is moot and hereby withdraws it. Plaintiff does not waive any rights to seek further preliminary relief when and if the *Autry* trial is re-scheduled following any appeal of the *Autry* court's grant of summary judgment.

Respectfully submitted this 16th day of November, 2021

/s/ W. Cory Reiss

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*Local Civil Rule 83.1(d) Counsel for
Plaintiffs*

/s/ Joseph Gay

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** Special Appearance pursuant to Local Rule
83.1(e) filed*

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **PLAINTIFF'S NOTICE OF WITHDRAWAL OF MOTION FOR PRELIMINARY INJUNCTION AS MOOT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Counsel for Defendants

This the 16th day of November, 2021.

/s/ Joseph Gay
Joseph Gay (D.C. Bar No. 1011079)